

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 5:22-cr-00227

ALAN J. DISOMMA, JR.

**ORDER**

Pending is the Defendant's motion to seal his motion for an order directing the United States Marshal Service to transport him to his second competency evaluation. [Doc. 61]. The Court denied the Defendant's motion for transport on June 23, 2023. [Doc. 62].


"Criminal proceedings and related documents are . . . presumptively open to the public." *United States v. Doe*, 962 F.3d 139, 145 (4th Cir. 2020) (citing *Press-Enter. Co. v. Superior Court of Cal.*, 478 U.S. 1, 9 (1986) and *Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004)). "[T]he strength of the right of access varies depending on whether the public's right of access to the document or proceeding derives from the common law or the First Amendment." *Id.* Given that the Defendant's motion for transport has been denied, unsealing that motion will not reveal the details of prisoner movement. Accordingly, taking into account the presumption in favor of public access, the Court **DENIES** the Defendant's motion to seal.

The Court will nevertheless keep the subject motion provisionally sealed in the event Defendant desires to make the showing required by binding precedent. Such showing must be made, however, on or before August 9, 2023. In the event such showing is not made by that date, the subject motion will be spread on the public record.

The Court **DIRECTS** the Clerk to transmit a copy of this Order to the Defendant and his counsel, the United States Attorney, the United States Probation Office, and the United States Marshal Service.

ENTER: August 2, 2023



  
Frank W. Volk  
United States District Judge